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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourteenth session

SUMMARY RECORD OF THE 345th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 8 January 1997, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)

Initial report of Bulgaria (CRC/C/8/Add.29 (English only); CRC/C/Q/BUL.1 (list of issues); written replies by the Government of Bulgaria with no document symbol, in English)

1. At the invitation of the Chairperson, Mrs. Bojkova, Mr. Andreev, Mr. Kolarov, Mr. Stefanov and Ms. Todorova (Bulgaria) took places at the Committee table.

2. The CHAIRPERSON welcomed the delegation of Bulgaria and invited it to introduce the initial report of the Bulgarian Government (CRC/C/8/Add.29).

3. Mrs. BOJKOVA (Bulgaria), having paid tribute to the Committee for its work in promoting children's rights, said that Bulgaria had ratified the Convention on the Rights of the Child in 1991 without any reservations and that its initial report had been drafted in accordance with the general guidelines adopted by the Committee and with the widest possible participation of representatives of competent institutions and non-governmental organizations (NGOs). Neither in its initial report nor in its written replies had her Government sought to hide the problems and obstacles preventing the full implementation of the Convention in Bulgaria.

4. With regard to the place of the Convention in Bulgaria's domestic legal system, she said that the Constitution gave ratified international instruments precedence over domestic legislation. In its concern to bring its legislation fully into line with the Convention, the Government envisaged the preparation of a draft law on the protection of the child. Furthermore, the Council of Ministers had recently adopted two decrees aimed at improving the situation of children: Decree No. 88 of 18 April 1995 established the Committee for Young People and Children, which was empowered to elaborate and coordinate State policy on children and youth; and Decree No. 252 of 22 December 1995, regulating the establishment of care centres for homeless children.

5. In 1995, Parliament had amended the Penal Code with a view to protecting children against kidnapping and sexual abuse and, in December 1996, it had adopted an act to amend the Combating Antisocial Behaviour by Minors and Adolescents Act, which emphasized prevention and education and gave juvenile delinquents the right to counsel and, in the event that a local Commission for Combating Antisocial Behaviour by Minors and Adolescents should decide to place them in an institution, the right to have that decision reviewed by the courts.

6. Still at the stage of consideration were a bill on assistance to families in child upbringing, and a draft ordinance providing for the establishment of a special Youth and Children Development Activities Fund, to finance projects such as the production of children's food and clothing and to promote children's tourism and leisure.

7. With regard to children deprived of liberty, she wished to point out that 12 per cent of criminal offences in 1995 had been committed by juveniles. Her Government was fully aware that deprivation of liberty should be used only as a last resort, and that young offenders must be treated humanely and with due regard to their age.

8. Complaints of violations of human rights by law-enforcement officials, and especially by police officers, were investigated, and the findings of such investigations were made public. Following such complaints, 75 disciplinary proceedings had been conducted in the period 1994-1996. Courses, seminars and conferences on human rights were organized for teachers, prosecutors, judges and police and prison officials.

9. On the question of Roma children, she said that, according to a recent report by Human Rights Watch, 85 per cent of street children belonged to the Roma minority. Because of the serious crisis through which the country was passing, that minority was severely affected by poverty and unemployment, and a growing number of Roma children were involved in prostitution. According to the Ministry of the Interior, 37 per cent of all crimes recorded were committed by Roma, a fact that accounted in part for the negative public attitude towards that minority. Against that background, the Government was currently drafting a programme aimed at solving the social, economic, health and nutritional problems encountered by Roma. In that context, activities were scheduled to be carried out in close cooperation with the Bulgarian Red Cross and several NGOs. Municipalities were also being asked to set up children's canteens in regions with a predominantly Roma population.

10. In conclusion, she said that, despite the extreme gravity of the economic crisis, which had obliged the State to cut public spending on social welfare programmes and the protection of vulnerable groups, and which had led to the resignation of the Government on 28 December 1996, Bulgaria would make every effort to ensure strict implementation of the Convention and would continue to cooperate fully with the Committee.

11. The CHAIRPERSON invited the members of the Committee to ask questions concerning "General measures of implementation" (arts. 4, 42 and 44, para. 6, of the Convention, issues Nos. 1 to 11 in the list of issues (CRC/C/Q/BUL.1)).

12. Mr. KOLOSOV, recalling the requirement for States to undertake measures for the implementation of the rights recognized in the Convention "to the maximum extent of their available resources", asked what was the exact amount of the social allowances paid to families without incomes, referred to in paragraph 22 of the written replies; whether the international financial aid received by Bulgaria was equitably distributed; and whether children, especially the most disadvantaged among them, were beneficiaries.

13. It would also be interesting to know into what minority languages the Convention had been translated, and how many individuals, NGOs and schools had requested copies of the initial report. The written replies stated that the report was available to persons requesting it. Would it not be desirable to disseminate the report widely, rather than waiting for people to request copies?

14. Mrs. SANTOS PAIS welcomed the detailed oral introduction by the delegation of Bulgaria, and the fact that the initial report had been prepared in accordance with the guidelines. Lacunae and shortcomings regarding the implementation of the Convention had been described without complacency and that, too, was to be commended. There were five areas that called for particular attention in that regard.

15. First, she regretted the lack of statistics concerning the scope of application of the Convention by the courts, often a very revealing indicator of the welcome accorded to the Convention by public opinion. The fact that the Bulgarian courts were able to decide that a piece of legislation was obsolete gave them an important power. Did that mean, however, that an institution must first decide that a piece of legislation was incompatible with the Convention, for it to lapse officially? In other words, could domestic legislation be applied even when it was not in accordance with the provisions of the Convention?

16. Secondly, it was regrettable that there was no national machinery to draft laws for the protection of children's rights. There too, in the absence of statistics, it was difficult to determine what priority the Government gave to respect for children's rights and to what extent the policies elaborated led to results. It seemed, for example, that much remained to be done in the areas of administration of justice for minors, child beggars and child prostitution. What programmes and services existed to alleviate the impact on children of the economic problems inherent in the country's political transition? A survey on the situation of children in the country had been submitted to the National Assembly, and she would like to know the conclusions that survey had reached and how the National Assembly proposed to follow it up.

17. Thirdly, she asked whether there was a body to provide effective coordination of the various institutions working to promote children's interests, and, if so, whether that body had the mandate and powers necessary to ensure coordination of activities at all levels of public life. Was there a comprehensive plan of action for children? How was monitoring of implementation of the Convention ensured? She also wished to know whether the Government envisaged establishing an independent national institution to mediate on children's behalf.

18. The fourth point she wished to raise concerned the resources allocated by the Government for the implementation of the rights set forth in the Convention, article 4 of which required States to undertake measures with regard to economic, social and cultural rights "to the maximum extent of their available resources". She wished to know whether the Government made programmes for children a budgetary priority and whether steps had been taken to eliminate regional disparities with regard to social services and to improve treatment of the most disadvantaged children, particularly Roma children.

19. Lastly, the delegation should provide additional information on the steps taken to familiarize professionals such as judges with the principles and provisions of the Convention.

20. Mrs. KARP said she shared the concerns expressed by Mrs. Santos Pais, particularly with regard to the absence of a comprehensive policy for children and of mechanisms to ensure coordination and cooperation between the various bodies responsible for implementation of the Convention. In addition to avoiding duplication of activities, a coordination mechanism would enable Bulgaria to focus its efforts on areas of high priority, having regard to its budgetary problems. Thus, contributions received from abroad could be directly allocated to specific essential programmes.

21. She would like to know what obstacles had hindered the establishment of an independent national institution to mediate on children's behalf. She also asked what proportions of the activities of the Committee for Young People and Children related to persons below and above 18 years of age respectively.

22. With regard to raising awareness of the Convention's provisions, she stressed the resolutely innovative approach adopted therein, which conferred on the child all the dignity and rights to which human beings could lay claim. Each individual or body working for the benefit of children should be fully aware of that new perspective. Given that the Convention dealt not only with children's civil rights, but also with their economic, social and cultural rights, various categories of professionals, such as social workers and child psychologists, would have to be trained. Were steps being taken for that purpose, and what resources were allocated to any such training programmes?

23. She would like to know whether all NGOs which so desired were able to participate in the activities of the Committee for Young People and Children. Lastly, she asked what had been the outcome of the survey conducted on children in Bulgaria and whether that survey had made it possible to identify the problems that arose in connection with the drafting of laws to protect the rights of the child.

24. Mrs. EUFEMIO, having associated herself with the questions put by other Committee members, asked what working relationship existed between the Ministry of Foreign Affairs, in particular its Department of Human Rights and Social and Humanitarian Affairs, and the other ministries; she also asked what was the precise function of the Committee for Young People and Children. Without questioning in any way the competence of the Bulgarian delegation, she deplored the absence of representatives from the various ministries to which a good number of the recommendations formulated by the Committee would be addressed.

25. She emphasized the need to update the plan of action to improve the situation of children in Bulgaria, which should specify, in connection with each of its recommendations, the target group in the population and the resources allocated for that purpose, with a view to the implementation of all the provisions of the Convention. Lastly, she welcomed the fact that, in Bulgaria, social workers had henceforth to be university graduates - an indication of the high-level of competence expected of them. In that connection, she asked what was the ratio of social workers to children in the Bulgarian population and whether they adopted a more global approach to the family, where necessary.

26. Miss MASON said she would like some clarification of the precise mandate and composition of the Committee for Young People and Children, given the important powers that were vested in it. With regard to the social disturbances caused by the Roma people in Bulgaria, she asked whether there had been any attempt to identify the deep-rooted causes of their behaviour and unrest. She would also like to know whether the national or local authorities were responsible for compiling data on the implementation of the Convention in the country, on the one hand, and on the impact of the transition towards democracy on children, on the other. Lastly, she asked what percentage of Bulgarian families had a television set, since television programmes were an easy and efficient means of broadcasting information relating to the Convention.

The meeting was suspended at 11.30 a.m. and resumed at 11.50 a.m.

27. Mrs. BOJKOVA (Bulgaria), replying to Mr. Kolosov's questions, said she recognized that the sums allocated for children's welfare were quite inadequate, but pointed out that the income of the Bulgarian population as a whole was very low. The fact that such allowances existed at all represented major progress. It was only to be hoped that the next Government would approve the recommendation adopted by the former Council of Ministers that those allowances be increased. It was difficult, however, to consider the matter in isolation from developments in the country's overall socio-economic situation and it was necessary to be realistic.

28. In the case of issue No. 8 concerning international cooperation, she had the impression that there was some confusion between the words "cooperation" and "assistance". Her Government received international assistance only for specific programmes.

29. On the subject of the translation of the Convention into the minority languages, she said that, in accordance with the provisions of the Constitution, Bulgarian was the official language in the country; the Government had therefore had the Convention translated into Bulgarian. It had also been translated into Turkish, thanks to the Bulgarian National UNICEF Committee. The Government endeavoured to collect funds for the various NGOs dealing with children's rights so as to enable them to devise and carry out children's programmes as well as to translate the Convention into minority languages. The text of the Convention in Bulgarian had been distributed to the schools and universities and would be included in their curricula from 1997 onwards.

30. Bulgaria's initial report had been distributed to all the ministries, institutions and NGOs that dealt with children's rights. Owing to lack of resources, it had unfortunately not been possible to circulate it on a wider scale.

31. In reply to questions by Mrs. Santos País and Mrs. Karp, she said that, in the event of an incompatibility between domestic legislation and the Convention, the former would not automatically become null and void: the Constitutional Court could annul such a domestic law only at the request of Parliament or the Supreme Court.

32. With regard to respect for the Convention and creating awareness among the professionals responsible for its implementation, she said that every effort was being made to provide appropriate training for the staff concerned; it would take some time, however, to produce results and there were different views on the subject. It was thus very difficult to give a clear and accurate answer on that point.

33. Concerning the steps taken to ensure that children were accorded priority by her Government, she said that children's rights were guaranteed both by the Constitution and in various pieces of legislation, but it was difficult to apply them in practice owing to the country's lack of resources, even though the share of the national budget allocated to children was 10 per cent of the total.

34. The Government was doing its utmost to protect children from the adverse effects of the market economy, through its social policies, laws and decrees. A new radio and television act that had been adopted in 1996 contained specific provisions to protect children from the potentially harmful effects of information or violent or pornographic programmes. The draft child protection legislation also took account of the strategy of the Council of Europe's Parliamentary Assembly. It was in that context that an institutional mechanism had been established in 1995, namely, the Committee for Young People and Children. It was made up of 34 people with various specialities (lawyers, social workers, etc.) who had dealings with young people both under and over the age of 18, but it was still too early to assess the results of its work.

35. On the subject of the establishment of an independent national mediation institution for children, she said that there were two schools of thought in Bulgaria on the question of the ombudsman in general. Those who opposed the creation of such a post maintained that, unlike the Scandinavian countries, Bulgaria already had a well-established administrative procedure and that the Office of the Prosecutor provided the necessary follow-up. However, others were in favour of the creation of such a post, as borne out by the seminar held at Sofia in mid-December 1996 under the auspices of the Council of Europe. It was important, nevertheless, that the general public should have the opportunity to express its views on the subject at greater length and the discussion would continue.

36. With regard to the situation of the Roma people, she said that an intergovernmental group had been entrusted with the task of elaborating programmes for that minority and specific steps had already been taken in the areas of education and housing. Proposals had also been made for the funding of those programmes. Moreover, the Centre on Inter-Ethnic Relations carried out studies on the situation of Roma children, with particular reference to the causes of delinquency among them.

37. Regarding the heightening of public awareness about the innovatory principles underlying the Convention, she said that conservative views on the subject still prevailed in Bulgaria, which explained inter alia the difficulties encountered in adopting the draft child protection legislation. In certain circles it was thought that granting children full rights too early would not necessarily guarantee their best interests.

38. The training of social workers in the promotion of children's rights was difficult inasmuch as the rights enshrined in the Convention were very diverse. Despite their limited resources, the Bulgarian authorities were doing their best. For instance, to increase the standing of such professions, the training of social workers had recently been raised to degree level.

39. As for cooperation between the Committee for Young People and Children and the NGOs, it was true that the Committee worked with registered NGOs, but other NGOs could also request to take part in its activities. Moreover, in its last report, which had been widely circulated in Bulgaria, the Committee for Young People and Children had highlighted the impact of economic problems and of the adoption of new values on the situation of children, with particular reference to the fall in the birth rate. The conclusions of the report, in which the Committee identified problems, formulated recommendations and proposed specific strategies, were to be examined by Parliament.

40. Replying to Mrs. Eufemio's questions, she pointed out that her country's initial report had been prepared in cooperation with all the ministries concerned with children's rights and that the explanation for the apparently limited composition of the Bulgarian delegation was simply a lack of financial resources. Her Government was very much in favour of the plan of action for children mentioned by Mrs. Eufemio, but had preferred first of all to promote the adoption of the draft child protection legislation and then move on to consideration of the report by the Committee for Young People and Children, which laid out strategies that represented a real plan of action.

41. Miss Mason had asked some questions about the Committee for Young People and Children. That Committee, which was not strictly speaking new but had been revitalized, coordinated the action of the ministries and other bodies that dealt with children's issues. The Committee's budget was very limited: in 1995 the number of projects it had financed barely represented 20 million leva. However that might be, it was rather early to judge the Committee's effectiveness. As for the problem of the Roma people, a number of studies on the subject had highlighted the fact that it was basically due to the economic situation. While it was true that the authorities had limited scope for action in the area, it was unfair to speak of discrimination. With regard to the collection of statistics, the National Statistics Institute was responsible for collecting data in general, but other institutions might ask it for more specific information. The municipalities that required statistics could do likewise, or else apply to the sociological research organizations. As for access to the media, the statistics showed that every Bulgarian family had a television set. There was also a large number of public libraries and almost all schools had libraries.

42. The CHAIRPERSON observed that a priori the members of the Committee had three kinds of concern. First, the actual status of the Convention vis-à-vis domestic legislation still needed clarification. Secondly, the mechanisms for following up, evaluating and coordinating the implementation of the Convention were inadequate. Thirdly, the Committee recognized the efforts made by Bulgaria for the effective implementation of the Convention, but considered that it would be in the interests of the authorities to take advantage of the possibilities offered by article 45 of the instrument, with a view to receiving greater international cooperation.

43. Mrs. SANTOS PAIS said that the draft child protection legislation should be adopted without delay, so that the Bulgarian Government could comply with article 4 of the Convention. The obligations incurred by States parties under that article with respect to economic, social and cultural rights were perfectly clear, even though it was understandable that the transition towards a market economy was a difficult one. Consequently, although children did not vote and were politically "invisible", there was no question of them being forgotten by the authorities. The Committee on Young People and Children must have all the necessary resources to be able to ensure the requisite coordination and interaction at all levels. As for the statistical data, it should not be forgotten that, when examining Bulgaria's report in 1993, the Human Rights Committee had stressed the need for an independent mechanism to collect data. In Scandinavia, for instance, the ombudsman mechanism had proved very useful in that regard.

44. With respect to the situation of the Roma people, the Government had referred to certain difficulties which were quite understandable. Nevertheless, against the background of the economic crisis, the fact that certain offences were associated with a minority such as the Roma people was still a matter of concern. Action must thus be taken to include the study of the Convention in the school curricula, to ensure that Roma children were taught in their own language and to make the members of all relevant professions (judges, teachers, etc.) better acquainted with the rights enshrined in the Convention.

45. Mr. KOLOSOV said that well-developed administrative structures were not in themselves sufficient to ensure respect for human rights. For example, in Bulgaria, there had been 75 cases of violations of those rights by law-enforcement officers. Since, on the one hand, the judicial system, in the countries with economies in transition did not provide such effective remedies as in the traditional democracies and, on the other, the Committee did not examine individual cases or communications, an ombudsman or similar mechanism would be most welcome in Bulgaria.

46. He would also like to know whether the Committee on Young People and Children was attached to the Office of the Prime Minister or to that of the President and whether it enjoyed the same status as a ministry or had merely an advisory role. Lastly, with regard to the media, he said that the wording of the provisions of the Law on Radio and Television designed to protect children, reproduced in response to issue No. 22, seemed rather vague. Since Bulgaria was a member of the Council of Europe, might it, perhaps, consider acceding to the Convention on Transfrontier Television, which guaranteed children greater protection?

47. Mrs. KARP said she would like to know whether the members of the Committee for Young People and Children participated in the activities of other government bodies or whether they were all independent. She was not sure that, by distributing its resources and thus its activities equally among young people under and over the age of 18, the Committee was serving the best interests of children as such. Lastly, she would like to know whether the Government, or any NGOs, had programmes designed to acquaint both parents and children with the provisions of the Convention and the rights enshrined therein.

The meeting rose at 1.05 p.m.